

Appl. No. 10/731,046
Amdt. Dated March 17, 2006
Reply to Office action mailed February 17, 2006

REMARKS:

The Examiner objected to the specification for an informality. In response the applicant has corrected the specification as set out above.

The Examiner rejected Claims 1, 2, 8, 10, 12, 19 under 35 U.S.C. 103(a) as being unpatentable over Downey in view of Koppenberg.

The applicant has amended independent Claim 1 to include the limitation of original Claim 8 that the first set of tamper proof hardware is concealed by the outside door when the outside door is installed. Essentially the same limitation is present in Claim 12 which includes the limitation that the outside door is configured to cover the inside door and conceal the first set of tamper proof hardware, and is attached to the columbarium structure by a second set of tamper resistant hardware.

The Applicant respectfully submits that the cited prior art of Downey and Koppenberg, taken as a whole, does not suggest the modifications of the present application to a person of ordinary skill in the art.

Downey is directed to providing a mausoleum construction that allows for replacement of portions that may break because of settling and shifting of the structure over time. Downey states at page 1 line 88 to line

"The outer wall is designated at 20, and where its members meet on the lines 21 they are recessed on their inner corners as at 22 for the side edges 130 or side tenons 13 of the partitions 12. In like manner the inner wall 23 is applied in members or in parts, but in place of the recesses the adjacent edges of these front sections are shouldered as at 24 so that so that the tenons at the front edges of the partitions project between the meeting lines of the inner sections as best seen in Fig. 5. This is done because in molding the

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partitions bolts 25 are cast into them with their threaded ends projecting beyond the front edges of the partitions to receive the washers 26 and rosettes 27. Finally slabs of marble or other ornamental facing 28 are applied over the fronts of the inner wall members 23 with the edges of the slabs abutting against each other and their corners notched so that four such meeting corners produce an opening through which a bolt 25 may project. ”

Thus Downey describes how the outer wall 20 or the inner wall 23 are fitted, however does not describe how they are maintained in position, nor does he suggest that the inner wall 23 could be removable to allow access to the inside of the vault.

Koppenberg is directed to providing a slab hanger-fastener for supporting and securing shutter slabs over mausoleum vaults or niches that is adjustable relative to the walls of the vault or niche. The mechanism is described at column 2, line 57 to column 3, line 9:

“Turning to FIGS. 1-3, inclusive, a slab hanger-fastener is indicated generally at 10. The fastener includes an elongate rectangular frame plate 12, containing a central frame plate adjustment slot 14 with a countersunk margin 16 on the rear of plate 12. A beveled anchor screw hole 18 is located at one end of the frame plate intermediate the frame plate edges. Screw hole 18 receives a countersunk anchor screw 20. At the opposite end of the frame plate, intermediate the frame plate edges, is an anchor bolt hole 22, which receives an anchor bolt 24. Screw 20 and bolt 24 are threadably received within anchors 26 and 28, which are permanently incorporated into a vault wall 29. Screw 20, bolt 24 and anchors 26, 28 comprise anchor means or mounting means. A first slab positioning spring 30 is fastened to frame plate 12 by means of anchor bolt 24.

A fastener 32, which includes a hexagonal head 32a and a threaded shank 32b, is used for part of the fastener means in the preferred embodiment. Head 32a seats within countersunk margin 16 and shank 32b extends through frame plate slot 14.”

Thus in order to accomplish his purpose Koppenberg attaches a particularly configured plate 12 to the vault by inserting screw 20 through hole 18 into anchors 26 and inserting bolt 24 through hole 22 into anchor 28.

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The Examiner states that Koppenberg discloses a first set of tamper resistant hardware 22 to attach an inner structure 12 to a mausoleum and a second set of tamper resistant hardware 60 to attach an outer door to the vaults. The Examiner further states it would have been obvious to show the inside door of Downey attached by a first set of tamper resistant hardware as taught by Koppenberg because the hardware would further enhance the securement of the door to the columbarium wall.

The Applicant respectfully submits that there is nowhere in Koppenberg any reference to the hardware being tamper resistant. The Applicant respectfully submits that all limitations in the claims must be considered when assessing obviousness. In addition, there is no suggestion in Koppenberg that the configuration of the hardware is for any purpose except to hold the adjustment mechanism in place in order to function. There is no suggestion that the hardware of Koppenberg would enhance the securement of the door of Downey, since it would be presumed that the inner wall 23 of Downey is satisfactorily secured in some manner, and the attachment thereof is not an issue or problem addressed in any way in Downey.

The Applicant respectfully submits that neither the cited prior art of Downey or Koppenberg addresses the problem of security addressed by the present application, and therefore there is no basis for combining the references. Nothing in either patent suggests that any steps should be taken to prevent the doors from being removed by un-authorized persons, and there would therefore be no reason to modify the inner door attachment of Downey in any way.

In view of the above the Applicant respectfully submits that neither Downey nor Koppenberg teach the problem of un-authorized entry to columbarium niches, nor its source in the fact that the doors of such niches are often breached by vandals and like un-authorized persons. The present independent Claim 1 addresses that problem by providing a columbarium apparatus with:

“.....an inside door configured to cover the open end of the niche and attached to the columbarium structure by a first set of tamper resistant hardware;

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an outside door configured to cover the inside door and attached to the columbarium structure by a second set of tamper resistant hardware such that an inner face of the outside door is supported by an outer face of the inside door:

wherein the first set of tamper proof hardware is concealed by the outside door when the outside door is installed.”

And in independent Claim 12 by providing a columbarium apparatus with:

“.....an inside door configured to cover the open end of the at least one niche and attached to the columbarium structure by a first set of tamper resistant hardware;

an outside door configured to cover the inside door and conceal the first set of tamper proof hardware, and attached to the columbarium structure by a second set of tamper resistant hardware such that an inner face of the outer door is supported by an outer face of the inside door,.....”

In the Applicant's claims, any unauthorized person would be foiled in the first place by visible tamper resistant hardware, and if the outer door was removed, he would be confronted by an inner door with another set of tamper resistant hardware. The Applicant respectfully submits that this configuration is not present or suggested in the prior art.

Dependent claims 10, 19 and 20 add a further limitation for foiling un-authorized persons by providing that :

“ ... the first set of tamper proof hardware requires a first tool for removal, and wherein the second set of tamper proof hardware requires a different second tool for removal.”

Nothing in the prior art suggests that a different tool would have any advantage in foiling un-authorized access.

The Applicant's claims further enhance security against un-authorized entry by supporting the outer door with the inner door to make it more difficult to breach the outer door. In dependent

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Claims 5 and 16 the Applicant has added the limitation of a resilient material between the inner and outer doors to improve this support.

The Examiner has cited the disclosure of Snow as disclosing a resilient O-ring between the inner substrate and the outer door to seal the outer door. The Applicant respectfully submits that Snow demonstrates a sealing system for a niche using a single door, and does not teach the problem of security, or prevention of damage to an outer door by providing a resilient material between inner and outer doors. The Applicant respectfully submits that to a person skilled in the art looking to modify the mausoleum of Downey in light of Snow would be suggested to add a resilient seal between the inner wall 23 and the shoulders 24 on the partition to seal the niche, and that nothing in Snow suggests that a resilient material could be placed between the outer door 28 and inner wall 23 to protect the outer door against a blow by a vandal or the like.

The Applicant therefore respectfully submits that a prima facie case for obviousness has not been demonstrated by the Examiner, and requests that the rejections be withdrawn.

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While no additional fees are anticipated, should there be any additional fees for this application authorization is hereby given to charge any additional fees or credit any overcharges pertaining to the prosecution of this matter to Deposit Account No. 02-3979.

Should you have any questions, or identify any problem, I would appreciate a telephone call so that this matter may be resolved promptly.

Respectfully submitted,

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